

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

EVELYN S. HARRIS,

06-CV-1226-PK

ORDER

Plaintiff,

v.

THE STANDARD INSURANCE
COMPANY and McNEES, WALLACE
& NURICK WELFARE BENEFIT
PLAN,

Defendants.

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BROWN, Judge.

Magistrate Judge Paul Papak issued Findings and Recommendation (#70) on January 28, 2008, in which he recommended the Court deny Plaintiff's Motion for Summary Judgment (#55), grant Defendants' Motion for Summary Judgment (#44), and dismiss this matter with prejudice. Plaintiff filed Objections to the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). *See also United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)(*en banc*); *United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988).

This Court has carefully considered Plaintiff's Objections and concludes they do not provide a basis to modify the Findings and Recommendation. The Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the

Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Papak's Findings and Recommendation (#70) and, therefore, **DENIES** Plaintiff's Motion for Summary Judgment (#55), **GRANTS** Defendants' Motion for Summary Judgment (#44), and **DISMISSES** this matter **with prejudice**.

IT IS SO ORDERED.

DATED this 26th day of March, 2008.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge